

**EXHIBIT B**

1

1 IN THE CIRCUIT COURT  
2 OF JASPER COUNTY, MISSISSIPPI

3  
4 MARION C. BENTLEY, SR., et al.,  
5 Plaintiffs,

6 VERSUS CIVIL ACTION NO. 92-7655

7 CRANE CO., et al.,  
8 Defendants.

9  
10 DEPOSITION OF DR. PHILLIP H. LUCAS

11 Taken at the Country Club of Jackson,  
12 Jackson, Mississippi, on Saturday,  
13 June 15, 2002, beginning at 8:00 a.m.

14  
15 REPORTED BY:

16  
17 CANDACE O'BARR, CSR #1260  
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Jackson Address:

1 A. That's correct.

2 Q. Is there a reason why you don't carry  
3 malpractice insurance for the B-Read work?

4 A. I don't find the need to do so.

5 Q. Why?

6 A. I suppose it never occurred to me.

7 Q. Do you consider the individuals that  
8 you are doing B-Reads for, whether they are  
9 narratives or ILO forms, your patient? Are they  
10 your patients?

11 A. They are not my patients in the  
12 strictest sense of the term. I feel a  
13 responsibility to read the radiograph as  
14 accurately as I can.

15 Q. Okay. Do you believe that there is a  
16 physician/patient relationship between you and  
17 those individuals that you are reading the  
18 films, such as Mr. Bentley, Mr. Clay and  
19 Richardson?

20 A. I feel the need to -- I feel the need  
21 to point out any abnormality that I think needs

- 22 to be addressed; tumors, large hearts, for
- 23 example. And I so notate that in the report.
- 24 It is my understanding with the individuals with
- 25 whom -- for whom I read the films, that they

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1 failure or, hopefully, I would have said  
2 something about it. So I would doubt that heart  
3 disease -- But the point is, I know nothing  
4 about this gentleman. I described some findings  
5 and the significance, I have no idea. The  
6 significance of those findings, I have no idea.

7 Q. But it could be consistent with a lot  
8 of disease processes for Mr. Bentley and Mr.  
9 Clay and Mr. Richardson other than asbestos?

10 A. Correct.

11 Q. Why don't you note that in the report  
12 that it could be consistent with these other  
13 processes?

14 A. I'm asked to be a consultant by, in  
15 this case, Mr. Sakalarios and his firms to see  
16 if this gentleman has asbestos-related disease.  
17 They are not asking me if he has got anything  
18 else. This finding -- these findings are  
19 consistent with it, if this gentleman has been  
20 exposed, if the latent period has occurred,  
21 etc., etc. It would be very cumbersome to list

22 100 different things that it could be, because  
23 Mr. Sakalarios is not trying to treat this  
24 individual. Now, if this was in my medical  
25 practice, I'd give a differential diagnosis.

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1 days off, two days other than the standard  
2 holidays and weekend?

3 A. Correct.

4 MR. REDMANN:

5 I think that's all I have. Thank  
6 you, Doctor.

7 MR. SAKALARIOS:

8 I've got some. So you want me to go  
9 ahead and go?

10 EXAMINATION

11 BY MR. SAKALARIOS:

12 Q. All right. Mr. Setter asked you  
13 about some work that you did in Ohio, some  
14 x-rays that you had read in Ohio. When you read  
15 those x-rays, were -- have you ever had a  
16 practice in Ohio?

17 A. No.

18 Q. Do you have any patients in Ohio,  
19 i.e., did anybody contact you and ask you to  
20 particularly read their x-rays for them?

21 A. No.

22 Q. In the capacity as a doctor/patient?

23 A. No.

24 Q. The x-rays that you took in Ohio,

25 then, were they sent to you by lawyers?

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1 A. Yes.

2 Q. And did you read those x-rays for  
3 lawyers and not for individual patients?

4 A. That's correct.

5 Q. Okay. And when you were paid for  
6 those x-rays, were you paid by lawyers or by  
7 individuals?

8 A. By individuals.

9 Q. That you read the x-rays?

10 A. Lawyers.

11 Q. By the lawyers. Okay. And the  
12 medical reports that you sent, were they sent  
13 specifically to the lawyers for the lawyer's use  
14 or were they sent to be sent to the individuals  
15 for whom the x-rays were taken, to your  
16 knowledge?

17 MR. SETTER:

18 Object to form. Calls for  
19 speculation. Assumes facts not in evidence.

20 MR. SAKALARIOS:

21 Q. Well, you know who you sent them to,

22 don't you?

23 A. They were sent to the lawyers.

24 Q. Did you send them to the patients for

25 the people that you read -- that the x-rays were

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